WP(C) 3873/2007

BEFORE

HON'BLE THE MR. JUSTICE AMITAVA ROY

Heard Mr. R. Mazumdar, learned Counsel for the petitioners and Mr. J. Chutia, learned Central Government Counsel appearing for the Union of India.

It is submitted at the Bar that the issue raised herein is covered by the determination made by this Court in a batch of writ petitions the lead case being WP(C) 4068/2007, Shri Romen Bhuyan and others versus the Union of India and others, since decided on 23/11/2007.

The learned Counsel for the petitioners in particular has drawn the attention of this Court to the following paragraphs of the said judgment laying down the norms for considering their cases for consequential orders.

10. If the petitioners were not put to requisite notice of the requirement to submit the Annexure-III certificate on or before a particular date, naturally, the Court will have to understand that their exclusion from the select list and the consequential appointments on the ground stated i.e. that the petitioners had not submitted the Annexure-III certificate would stand vitiated in law. This is particularly because the respondents themselves perceived the requirement of a notice to be given to the petitioners in spite of which an oral notice is stated to have been given. The respondents do not dispute that the petitioners, except those named in paragraph 7 of the present order had qualified for selection and appointment on merit i.e. the marks secured by them. The respondents also do not dispute that the petitioners meet the relaxed standards of height and chest in terms of clause 7(e) of the advertisement and that the only reason for not giving the benefit of such relaxed standards to the petitioner is the absence of the Annexure-III certificate. Taking into account all the aforesaid facts the Court is of the view that the non-consideration of the cases of the petitioners for their eventual selection and consequential appointment, on the ground assigned, cannot have the approval of the Court.

11. The writ petitions, consequently, are allowed. The respondents will fix a date for submission of Annexure-III certificate by the petitioners and on the basis of such certificates as may be furnished by all or such of the petitioners their cases for selection and consequential appointment will be considered by the respondents on the basis of the measurements already recorded in the relevant columns of the forms submitted by each of the petitioners which forms/constitute a part of the record placed before this Court. The directions contained in the present order shall, naturally apply to only those petitioners who have secured the minimum cut off marks that has been worked out for each category of candidate i.e. General, S.C., S.T., O.B.C. and will specifically exclude the petitioners, particulars of whom have been stated in paragraph No. 7 of the present order. As the matter relates to appointment the respondents will be expected to act in the matter with utmost expedition and complete the process within an outer limit of four months from the date of receipt of a copy of this order.

In view of the above, this petition stands closed in the same lines. No costs.